

**19533. Misbranding of canned tomatoes. U. S. v. 448 Cases \* \* \*. (F. D. C. No. 34194. Sample No. 2081-L.)**

**LIBEL FILED:** November 3, 1952, Middle District of Georgia.

**ALLEGED SHIPMENT:** On or about September 1, 1952, by the Farmers Packing Co., from Senora, Va.

**PRODUCT:** 448 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Milledgeville, Ga.

**LABEL, IN PART:** (Can) "Red Jacket Brand \* \* \* Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive tomato peel, and the label failed to bear a statement that the article fell below such standard.

**DISPOSITION:** December 5, 1952. The Farmers Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

**19534. Adulteration of tomato puree. U. S. v. 83 Cases \* \* \*. (F. D. C. No. 34102. Sample No. 66682-L.)**

**LIBEL FILED:** November 3, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about May 5, 1952, by the Ariston Canning Co., from Cologne, N. J.

**PRODUCT:** 83 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Sea Shore Brand Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

**DISPOSITION:** February 16, 1953. Default decree of condemnation and destruction.

## NUTS

**19535. Adulteration of shelled almonds. U. S. v. 45 Cases \* \* \*. (F. D. C. No. 34238. Sample No. 36014-L.)**

**LIBEL FILED:** November 20, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about September 30, 1952, by the California Almond Growers Exchange, from Sacramento, Calif.

**PRODUCT:** 45 cases, each containing 24 1-pound bags, of shelled almonds at Cincinnati, Ohio.

**LABEL, IN PART:** "Blue Diamond California Almonds."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts, and it was otherwise unfit for food by reason of the presence of gummy nuts.

**DISPOSITION:** December 31, 1952. Frank C. Glueck & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the fit from the unfit portion, under the supervision of the Food and

Drug Administration. 2,085 pounds of nuts were salvaged, and 22¾ pounds were destroyed.

19536. Adulteration of unshelled brazil nuts. U. S. v. 137 Cases \* \* \*. (F. D. C. No. 34242. Sample No. 56362-L.)

LIBEL FILED: November 24, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 21, 1952, from New York, N. Y.

PRODUCT: 137 cases, each containing 24 1-pound bags, of unshelled brazil nuts at Columbus, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed nuts, and it was otherwise unfit for food by reason of the presence of empty shells. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 16, 1952. Wm. A. Higgins & Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency. As a result of the segregation operations, 594 pounds of the product were found unfit and were destroyed.

19537. Adulteration of unshelled brazil nuts. U. S. v. 10 Bags \* \* \*. (F. D. C. No. 34123. Sample No. 26435-L.)

LIBEL FILED: November 10, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 15, 1952, by the Biddle Purchasing Co., from New York, N. Y.

PRODUCT: 10 100-pound bags of unshelled brazil nuts at Philadelphia, Pa.

LABEL, IN PART: "Cliff House Brand Brazil Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed brazil nuts, and it was otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: February 16, 1953. Default decree of condemnation and destruction.

19538. Adulteration of unshelled peanuts. U. S. v. 10 Sacks \* \* \*. (F. D. C. No. 33982. Sample No. 28249-L.)

LIBEL FILED: October 7, 1952, Northern District of California.

ALLEGED SHIPMENT: On or about March 1, 1952, from Suffolk, Va.

PRODUCT: 10 100-pound sacks of unshelled peanuts at Sacramento, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 16, 1953. Default decree of condemnation and destruction.

19539. Adulteration of shelled pecans. U. S. v. 13 Boxes \* \* \*. (F. D. C. No. 34126. Sample No. 69168-L.)

LIBEL FILED: November 11, 1952, District of New Mexico.